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Haupt Rainer

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Craig Summerfield
Brinks Hofer Gilson & Lione
Suite 3600
455 N. City Front Plazat Drive
Chicago, IL 60126

EXAMINER

KAO, CHIH CHENG G

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/798,203	Applicant(s) RAINER, HAUPL	
	Examiner Chih-Cheng Glen Kao	Art Unit 2882	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-9 and 11-14 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14 is/are allowed.
- 6) ☒ Claim(s) 1,2,4-7 and 11-13 is/are rejected.
- 7) ☒ Claim(s) 8 and 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 9 is objected to because of the following informalities, which appear to be minor draft errors including grammatical and/or lack of antecedent basis problems.

In the following format (location of objection; suggestion for correction), the following correction(s) may obviate the objection(s): (claim 9, line 3, "is laterally displaced"; deleting "is") and (claim 9, line 4, "of the mounting device,"; inserting a comma after "the line extension" in line 2 of claim 9).

For purposes of examination, the claim has been treated as such. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 4, 5, 7, and 11-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Khutoryansky et al. (US 5636259).

3. Regarding claim 1, Khutoryansky et al. discloses a support system for an x-ray source, comprising a ceiling holding (fig. 3, via #394) including a mounting device (fig. 3, #154), and a

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support arm fixedly secured about a horizontal axis (fig. 3, #278 and 284) to the mounting device, such that the x-ray source (fig. 3, #112) is secured, rotatably about a substantially horizontal axis (fig. 3, #188), to the support arm, wherein a lower edge of the mounting device (fig. 3, lower edge of #276) and a lower edge of the support arm (fig. 3, lower edge of #278) are disposed vertically below the horizontal axis of rotation (fig. 3, #188) of the x-ray source, and wherein the horizontal axis of rotation (fig. 3, #188) of the x-ray source is positioned on the support arm such that a portion of an envelope (figs. 8-13, exterior of #112) of the x-ray source remains below the lower edge of the support arm (fig. 3, lower edge of #278) and the lower edge of the mounting device (fig. 3, lower edge of #276) when the envelope is rotated plus or minus 180 degrees (figs. 10 and 11, in particular) about the horizontal axis of rotation (figs. 8-13, #188).

4. Regarding claim 11, Khutoryansky et al. discloses a support system for an x-ray source, comprising a supporting platform (fig. 3, via #394) including a mounting device (fig. 3, #154), and a support arm fixedly secured about a horizontal axis (fig. 3, #278 and 284) to the mounting device, such that the x-ray source (fig. 3, #112) is secured, rotatably about a substantially horizontal axis (fig. 3, #188), to the support arm, wherein a lower edge of the mounting device (fig. 3, lower edge of #276) and a lower edge of the support arm (fig. 3, lower edge of #278) are disposed vertically below the horizontal axis of rotation (fig. 3, #188) of the x-ray source, wherein the x-ray source has an envelope (figs. 8-13, exterior of #112), and wherein the horizontal axis of rotation (fig. 3, #188) of the x-ray source is positioned on the support arm such that a portion of the envelope (figs. 8-13, exterior of #112) of the x-ray source remains below the

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lower edge of the support arm (fig. 3, lower edge of #278) and the lower edge of the mounting device (fig. 3, lower edge of #276) when the envelope is rotated plus or minus 180 degrees (figs. 10 and 11, in particular) about the horizontal axis of rotation (figs. 8-13, #188).

5. Regarding claim 2, Khutoryansky et al. further discloses wherein the support arm comprises a substantially right angled bend (fig. 3, #278 and 284).

6. Regarding claim 4, Khutoryansky et al. further discloses wherein the support arm (fig. 3, #278 and 284) is fixedly secured about a vertical axis to the mounting device (fig. 3, #154).

7. Regarding claims 5 and 13, Khutoryansky et al. further discloses wherein the mounting device is substantially vertically adjustable (fig. 3, via #156).

8. Regarding claim 7, Khutoryansky et al. further discloses wherein a line extension of the horizontal axis of rotation (fig. 3, #188) of the x-ray source extends through the mounting device (fig. 3, #154).

9. Regarding claim 12, Khutoryansky et al. further discloses wherein the supporting platform is moveable (fig. 1, along #140 and 142).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Khutoryansky et al. as applied to claim 1 above, and further in view of Horbaschek (US 2002/0118793).

Khutoryansky et al. discloses a system as recited above.

However, Khutoryansky et al. fails to disclose wherein a ceiling holder is rotatable about a substantially vertical axis.

Horbaschek teaches wherein a ceiling holder is rotatable about a substantially vertical axis (fig. 4 and paragraph 25, lines 6-9).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to modify the system of Khutoryansky et al. with the rotatable ceiling holder of Horbaschek, since one would have been motivated to make such a modification for more maneuverability (figs. 1-5) as implied from Horbaschek.

Allowable Subject Matter

11. Claims 8 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim

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and any intervening claims. Claim 14 is allowed. The following is a statement of reasons for the indication of allowable subject matter.

12. Regarding claim 8, the prior art fails to disclose or fairly suggest a support system for an x-ray source, including wherein the horizontal axis of rotation of the x-ray source is positioned on the support arm such that a portion of an envelope of the x-ray source remains below the lower edge of the support arm and the lower edge of the mounting device when the envelope is rotated plus or minus 180 degrees about the horizontal axis of rotation, wherein a line extension of the horizontal axis of rotation of the x-ray source is laterally displaced with respect to the vertical axis of symmetry of the mounting device, in combination with all of other limitations in the claim. Claim 9 contains allowable subject matter by virtue of its dependency.

13. Regarding claim 14, the prior art fails to disclose or fairly suggest a support system for an x-ray source, including wherein the horizontal axis of rotation of the x-ray source is positioned on the support arm such that a lower edge of the x-ray source is disposed below the lower edge of the support arm and the lower edge of the mounting device, independently of an x-ray source angle of rotation about the horizontal axis, wherein a line extension of the horizontal axis of rotation of the x-ray source is laterally displaced with respect to the vertical axis of symmetry of the mounting device, and is parallel to lines extending along each of two side edges of the x-ray source; and wherein one of the lines of one of the two side edges of the x-ray source extends on one vertical side of the mounting device, and the other line of the other side edge extends through the mounting device, in combination with all of the other limitations in the claim.

Response to Arguments

14. Applicant's arguments filed October 2, 2007, have been fully considered but they are not persuasive.

Regarding at least claims 1 and 11 and in response to Applicant's argument that the references fail to show certain features of Applicant's invention, it is noted that the features upon which Applicant relies (i.e., a rotation of plus or minus 180 degrees measured from a reference position and the total angle of rotation of the envelope limitation being 360 degrees) are not recited in the rejected claim(s). Although the claims may be interpreted in light of the specification, limitations from the specification are not read into the claims.

The claims require that the envelope be rotated plus or minus 180 degrees. Such a claim recitation is an alternative expression. When a claim covers alternatives (i.e., plus or minus 180 degrees), the claim is deemed anticipated if any of the alternatives within the scope of the claim is known in the prior art. Khutoryansky et al. discloses the envelope being rotated plus or minus (figs. 10 and 11, the envelope rotated from the position in fig. 10 to the position in fig. 11) 180 degrees. Since Khutoryansky et al. discloses at least one of the alternatives, Khutoryansky et al. reads on the claims as recited. Therefore, Applicant's arguments are not persuasive, and the claims remain rejected.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chih-Cheng Glen Kao whose telephone number is (571) 272-2492. The examiner can normally be reached on M - F (9 am to 5 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Glick can be reached on (571) 272-2490. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


gk
EDWARD J. GLICK
SUPERVISORY PATENT EXAMINER